

being honored as the Citizen of the Year by the Georgetown Chamber of Commerce.

**S.R. 220** - By Turner: Congratulating the Reverend J. E. Dennis on being selected as the 1992 Man of the Year by the Washington County Chamber of Commerce.

**S.R. 221** - By Turner: Congratulating Bill and Mary Lee Arrington of College Station on the celebration of their 50th wedding anniversary.

**S.R. 222** - By Turner: Congratulating Mr. and Mrs. C. B. Cox of Groesbeck on the celebration of their 50th wedding anniversary.

**S.R. 223** - By Turner: Congratulating Mr. and Mrs. Henry C. Brown of Palestine on the celebration of their 50th wedding anniversary.

**S.R. 224** - By Turner: Congratulating Gertrude Lehrmann on her selection as the 1992 Woman of the Year by the Washington County Chamber of Commerce.

#### ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 2:06 p.m. adjourned until 1:00 p.m. Monday, February 15, 1993.

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#### APPENDIX

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#### REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

February 10, 1993

INTERGOVERNMENTAL RELATIONS — S.B. 22, S.B. 126, C.S.S.B. 124, S.B. 221 (Amended), C.S.S.B. 154

#### FIFTEENTH DAY

(Monday, February 15, 1993)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Douglas Richnow, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Most gracious heavenly Father, we pray Your Holy Spirit will be with the men and women of this body as they accept the task of providing for the welfare and safety of this great state. We pray that, by Your grace, You will enlighten their minds to discover fair and equitable solutions to the problems which they face, stir their hearts to have compassion and love for those whose lives they affect, and strengthen their wills to know what You would have them do. Pour out Your spirit on them, sustain and strengthen them, and bring them to the fullness of Your grace. In Your holy name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 11, 1993, was dispensed with and the Journal was approved.

#### **BILL AND RESOLUTION SIGNED**

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read:

**S.C.R. 2**

**S.B. 130**

#### **CO-AUTHOR OF SENATE BILL 168**

On motion of Senator Ellis and by unanimous consent, Senator Carriker will be shown as Co-author of S.B. 168.

#### **PROCLAMATION FROM THE GOVERNOR**

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

#### **P R O C L A M A T I O N**

#### **BY THE**

#### **GOVERNOR OF THE STATE OF TEXAS**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-THIRD LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for the immediate consideration by the 73rd Legislature, now convened:

legislation related to the criminal responsibility of a person for failure to perform an act that the person has a duty to perform.

IN TESTIMONY WHEREOF, I have hereunto signed my name

officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 12th day of February, 1993.

/s/Ann W. Richards  
Governor of Texas

Attest:

/s/John Hannah, Jr.  
Secretary of State

**MESSAGE FROM THE SUPREME COURT OF TEXAS**

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS  
February 11, 1993

TO THE SENATE OF THE SEVENTY-THIRD TEXAS LEGISLATURE:

The Supreme Court of the State of Texas has made the following appointments since the Regular Session of the Seventy-second Legislature which require the advice and consent of the Senate:

To the Board of Directors of the State Bar of Texas:

John R. Coppedge, M.D.  
507 East Melton  
Longview, Texas 75602

Mr. Alfonso Aleman, Jr.  
c/o 745 East Mulberry, Suite 375  
San Antonio, Texas 78212

Reverend Robert E. Felder  
St. Paul United Methodist Church  
508 North Center Street  
San Antonio, Texas 78202

Mr. Ruben E. Hinojosa  
1404 S. Illinois  
Mercedes, Texas 78570

Dr. Coppedge was appointed to the Board of Directors pursuant to the provisions of Texas Government Code Sec. 81.020 for a term expiring in June 1994. Mr. Aleman was appointed for a term expiring in June 1995. Mr. Aleman has resigned, and Mr. Hinojosa was appointed on February 1, 1993, to the unexpired term. Reverend Felder was appointed for a term to expire in June 1995.

To the State Commission on Judicial Conduct:

Honorable Hilda G. Tagle, Judge  
County Court at Law No. 3  
Nueces County Courthouse, Suite 703  
901 Leopard  
Corpus Christi, Texas 78401

Honorable Thomas E. Lawrence  
Justice of the Peace, Precinct 4, Place 2  
121 West Main Street  
Humble, Texas 77338

Honorable Bonnie Sudderth, Judge  
Municipal Court of Fort Worth  
1000 Throckmorton  
Fort Worth, Texas 76102

Judge Tagle was reappointed for a full six year term, to expire November 19, 1997. Judge Lawrence and Judge Sudderth were appointed to six year terms, to expire November 19, 1997, all pursuant to the provisions of the Texas Constitution, Article V, Section 1-a (2) and (3).

Also, as Chief Justice of the Supreme Court, I have appointed Mr. Milton Hixson of Austin as a member of the Board of Trustees of the Employees Retirement System of Texas, pursuant to Texas Government Code Sec. 815.002. This is for a six year term to expire August 31, 1998.

We request the advice and consent of the Senate to these appointments.

Respectfully submitted,

/s/Thomas R. Phillips  
Chief Justice

#### **GUEST PRESENTED**

The President introduced to the Senate United States Congressman and former Member of the Texas Senate Gene Green.

The Senate welcomed Congressman Green.

#### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.C.R. 22** by Luna, Wentworth Administration  
Granting permission to Imagents, Inc., to sue the State of Texas and the University of Texas System.

**S.C.R. 23** by Luna, Wentworth Administration  
Granting permission to Imagents, Inc., to sue the State of Texas and the University of Texas System.

**S.C.R. 24** by Carriker Administration  
Granting J. E. Isbell, Inc., permission to sue the State of Texas and the Parks and Wildlife Department.

**S.J.R. 17** by Brown Intergovernmental Relations  
Proposing a constitutional amendment relating to the manner in which vacancies are filled on the governing bodies of certain municipalities.

**S.J.R. 18** by Parker Intergovernmental Relations  
Proposing a constitutional amendment authorizing the legislature to prescribe the qualifications of sheriffs.

- S.B. 239** by Truan, Montford Finance  
Relating to funding for certain public institutions of higher education.
- S.B. 322** by Bivins Criminal Justice  
Relating to the treatment of repeat sex offenders.
- S.B. 323** by Wentworth, Shelley State Affairs  
Relating to the issuance of special license plates for certain vehicles to be operated by or for the transportation of disabled persons.
- S.B. 324** by Wentworth Criminal Justice  
Relating to establishing the amount of bail in a criminal case.
- S.B. 325** by Brown, Wentworth Economic Development  
Relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.
- S.B. 326** by Brown Criminal Justice  
Relating to the issuance of a driver's license to certain persons convicted of offenses under the Texas Controlled Substances Act.
- S.B. 327** by Brown State Affairs  
Relating to the Texas Peace Officers' Memorial Advisory Committee.
- S.B. 328** by Brown Jurisprudence  
Relating to witness fees, privileges, and appearances in court.
- S.B. 329** by Zaffirini, Ellis Health and Human Services  
Relating to prohibiting the consideration of race or ethnicity as a primary factor in adoptions and foster care placements.
- S.B. 330** by Haley, Shapiro Education  
Relating to the purposes of public junior and community colleges.
- S.B. 331** by Madla Natural Resources  
Relating to the conveyance of certain state-owned real property in Wilson County.
- S.B. 332** by Moncrief, Zaffirini, Health and Human Services  
Harris of Tarrant, Sibley  
Relating to consent for medical treatment by surrogate decision-makers on behalf of incapacitated or comatose patients.
- S.B. 333** by Moncrief, Zaffirini, Sibley Health and Human Services  
Relating to the provision of guardianship services by the Department of Protective and Regulatory Services.
- S.B. 334** by Shapiro, Health and Human Services  
Nelson, Rosson  
Relating to the regulation of mammography devices and the practice of mammography.
- S.B. 335** by Shapiro Finance  
Relating to student union fees at East Texas State University.
- S.B. 336** by Parker, Lucio Economic Development  
Relating to prohibiting certain extensions of credit by retail stores owned or operated by public institutions of higher education.

- S.B. 337** by Parker Finance  
Relating to uniform service regions for state agencies.
- S.B. 338** by Parker Criminal Justice  
Relating to requiring as a condition of parole or release to mandatory supervision for certain releasees that the releasees submit to treatment or counseling for substance abuse.
- S.B. 339** by Parker Intergovernmental Relations  
Relating to the qualifications of sheriffs.
- S.B. 340** by Haley Health and Human Services  
Relating to income considered in determining the fee for services provided by a community center.
- S.B. 341** by Henderson Intergovernmental Relations  
Relating to the use of county roads for festivals and civic events.
- S.B. 342** by Patterson Intergovernmental Relations  
Relating to changes in plans, specifications, or proposals pertaining to contracts made by counties.
- S.B. 343** by Madla Economic Development  
Relating to the selection of podiatrists.
- S.B. 344** by Madla Economic Development  
Relating to the selection of podiatrists.
- S.B. 345** by Madla Education  
Relating to public school health services.
- S.B. 346** by Moncrief Education  
Relating to changing the name of the Texas College of Osteopathic Medicine to the University of North Texas Health Science Center at Fort Worth.
- S.B. 347** by Harris of Dallas State Affairs  
Relating to advertising by a mixed beverage permittee.
- S.B. 348** by Harris of Dallas State Affairs  
Relating to the control of certain airports, air navigation facilities, and airport hazard areas.
- S.B. 349** by Barrientos Education  
Relating to the testing of certain deaf or blind students enrolled at institutions of higher education.
- S.B. 350** by Barrientos Education  
Relating to interpreters for deaf and hearing impaired students in public schools.

**SENATE JOINT RESOLUTION 7  
WITH HOUSE AMENDMENTS**

Senator Ratliff called **S.J.R. 7** from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

**Committee Amendment**

Amend S.J.R. 7 by substituting the following:

**A JOINT RESOLUTION**

proposing a constitutional amendment relating to the support and maintenance of public schools.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VII of the Texas Constitution is amended by adding Sections 3-c and 3-d to read as follows:

Sec. 3-c. (a) The legislature may redistribute among other school districts ad valorem taxes levied and collected by a school district in which the taxable value of property per student is greater than that value in the school district at the 95th percentile of taxable value of property per student, as determined by general law. The legislature may redistribute only the amount collected that exceeds the amount per \$0.01 available to the district at the 95th percentile.

(b) The amount redistributed by the legislature under Subsection (a) of this section may not exceed 2.50 percent of the sum of the state revenue appropriated for public schools and the revenue from local ad valorem taxes levied and collected for public schools. For purposes of this section, state revenue does not include revenue from ad valorem taxes, revenue for the provision of free textbooks, or contributions to a retirement system.

Sec. 3-d. To help achieve an efficient system of public free schools, the legislature may require a school district to provide a minimum amount of ad valorem tax revenue for the support of the public free schools in the district.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held May 1, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the limited redistribution of certain ad valorem taxes levied and collected by certain school districts and authorizing the legislature to require school districts to provide a minimum amount of funding for their public schools."

**Amendment No. 1**

Amend C.S.S.J.R. 7 by striking all below the resolving clause and substituting the following:

SECTION 1. Article VII of the Texas Constitution is amended by adding Section 3-c to read as follows:

Sec. 3-c. (a) The legislature may redistribute among other school districts ad valorem taxes levied and collected by a school district, as determined by general law.

(b) The legislature may create county education districts with the taxable property of existing school districts in one or more counties combined. A county education district may levy, collect, and distribute ad

valorem taxes as authorized by general law. The legislature may set the rate of the tax, as determined by general law, to be imposed in a school district or county education district or may authorize the board of trustees of each school district or county education district to set the rate.

(c) The amount redistributed among school districts by the legislature under Subsection (a) of this section and effectively redistributed within a county through county education districts under Subsection (b) of this section may not exceed 2.75 percent of the sum of the state revenue appropriated for public schools and the revenue from local ad valorem taxes levied and collected for public schools. For purposes of this section, state revenue does not include revenue from ad valorem taxes, revenue for the provision of free textbooks, or contributions to a retirement system.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held May 1, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the funding of schools."

#### **Amendment No. 2**

Amend the proposed floor substitute to C.S.S.J.R. 7 as follows:

(1) On page 1, line 15, between "rate" and the period insert "provided that the rate of county education district ad valorem taxes may not exceed \$1.00 per \$100 valuation of taxable property, as determined by law unless a higher rate is approved by the voters of the district".

(2) On page 2, line 6, between "schools" and the period add "and placing a cap on the ad valorem tax levied by county education districts".

#### **Amendment No. 3**

Amend the Linebarger floor substitute to C.S.S.J.R. 7 on page 1, line 23, between "from" and "ad valorem" by inserting "the available school fund".

#### **Amendment No. 4**

Amend the proposed substitute for C.S.S.J.R. 7 as follows:

(1) Insert the following sections appropriately numbered:

SECTION \_\_\_\_\_. Article VII of the Texas Constitution is amended by adding Section 8a to read as follows:

Sec. 8a. (a) Except for state educational mandates imposed in compliance with this constitution or federal law, or unless enacted by a vote of at least two-thirds of the members elected to each house, a school district may not be required to comply with an obligation requiring expenditure of school district funds unless the obligation is fully funded.

(b) The legislature shall provide by law a procedure for determining whether an obligation is fully funded for purposes of Subsection (a) of this section. In the absence of such a procedure, at the request of the board of trustees of a school district the comptroller of public accounts shall determine whether or not an obligation is fully funded for purposes of Subsection (a) of this section.

(c) This section applies only to state educational mandates enacted after December 31, 1993.



SECTION \_\_\_\_\_. The constitutional amendment proposed by Section \_\_\_\_ of this joint resolution shall be submitted to the voters at an election to be held May 1, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment exempting a school district from the obligation to comply with unfunded state educational mandates."

(2) On page 2, strike line 2 and substitute: "SECTION \_\_\_\_\_. The constitutional amendment proposed by Section 1 of this joint resolution shall be".

**Amendment No. 5**

Amend the proposed substitute to C.S.S.J.R. 7 on page 2, by striking lines 5-6, and substituting "proposition: "The constitutional amendment allowing limited redistribution of ad valorem taxes for schools, authorizing the legislature or local districts to set a minimum tax rate in county education districts, and placing a cap on the ad valorem tax levied by county education districts.""

**Amendment No. 1 on Third Reading**

Amend C.S.S.J.R. 7 on third reading as follows:

(1) In Subsection (c) of Article VII, Section 3-c, of the Texas Constitution, as added by Section 1 of the floor substitute adopted on second reading, strike the last sentence and substitute the following: "For purposes of this section, state revenue does not include revenue from ad valorem taxes, revenue for the provision of free textbooks, or contributions to a retirement system."

(2) In Article VII, Section 3-c, of the Texas Constitution, as added by Section 1 of the floor substitute adopted on second reading, add a new Subsection (d) to read as follows:

(d) This section does not affect the distribution of the available school fund under Section 5 of this Article.

The amendments were read.

(Senator Barrientos in Chair)

(President in Chair)

(Senator Shelley in Chair)

(President in Chair)

Senator Ratliff moved to concur in the House amendments to S.J.R. 7.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Parker, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Leedom, Nelson, Patterson, Shapiro.

**CAPITOL PHYSICIAN**

Senator Shapiro was recognized and presented Dr. Neil N. Satyu of Terrell as the "Doctor for the Day."

The Senate welcomed Dr. Satyu and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**SENATE BILL 171 WITH HOUSE AMENDMENTS**

Senator Montford called S.B. 171 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment No. 1**

Amend S.B. 171 by adding a new Section 3 to the bill to read as follows and by renumbering the existing Section 3 of the bill as Section 4:

SECTION 3. If at any time after the effective date of this Act and before May 31, 1993, the attorney general determines that the Texas Department of Criminal Justice is not required to make court-ordered payments for which funds are appropriated to the department by Section 2(c)(4) of this Act, the attorney general shall notify the comptroller of public accounts of that fact. On notification by the attorney general: (1) the amount appropriated under Section 2(c) of this Act is reduced by \$18.6 million; (2) the appropriations from general revenue made to the Texas Department of Criminal Justice by H.B. 1, Acts of the 72nd Legislature, 1st Called Session, 1992, for item 4.b., security, is reduced by \$18.6 million; and (3) there is appropriated from the economic stabilization fund to the Texas Department of Criminal Justice, in addition to other amounts appropriated for this biennium, the sum of \$18.6 million for security.

**Amendment No. 1 on Third Reading**

Amend S.B. 171 on third reading by amending the Junell amendment as adopted on second reading to read as follows:

Amend S.B. 171 by adding a new Section 3 to the bill to read as follows and by renumbering the existing Section 3 of the bill as Section 4:

SECTION 3. If at any time after the effective date of this Act and before May 31, 1993, the attorney general determines that the Texas Department of Criminal Justice is not required to make court-ordered payments for fines for which funds are appropriated to the department by Section 2(c)(4) of this Act, the attorney general shall notify the comptroller of public accounts of that fact. On notification by the attorney general: (1) the amount appropriated under Section 2(c) of this Act is reduced by \$18.6 million; (2) the appropriations from general revenue made to the Texas Department of Criminal Justice by H.B. 1, Acts of the 72nd Legislature, 1st Called Session, 1992, for item 4.b., security, is reduced by \$18.6 million; and (3) there is appropriated from the economic stabilization fund to the Texas Department of Criminal Justice, in addition to other amounts appropriated for this biennium, the sum of \$18.6 million for security.

**Amendment No. 2 on Third Reading**

Amend S.B. 171 on third reading as follows:

(1) On page 1, line 16, strike "attempt" and substitute "make a good faith effort".

(2) On page 1, line 21, strike "attempt" and substitute "make a good faith effort".

The amendments were read.

Senator Montford moved to concur in the House amendments to S.B. 171.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 154 ON SECOND READING**

Senator Whitmire moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 154 be taken up for consideration at this time:

**C.S.S.B. 154**, Relating to the construction, reconstruction, and maintenance of improvements by certain mass transit authorities.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Madla.

The bill was read second time.

Senator West offered the following amendment to the bill:

Amend C.S.S.B. 154, Section 1., line 48 by adding the following paragraph:

Rapid transit authorities shall make a good faith effort to issue not less than 35% of the total value of all construction contracts awarded; to historically underutilized businesses.

A "historically underutilized business" means a business entity at least 51 percent which is owned by minority group members, or in the case of a corporation, at least 51 percent of the shares of which are owned, managed and controlled by minority group members.

"Minority group members" include:

- 1). African-American
- 2). American Indian
- 3). Asian-American; and
- 4). Mexican-American and other Americans of Hispanic origin.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 154 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Madla.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**SENATE BILL 121 ON SECOND READING**

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 121 be taken up for consideration at this time:

**S.B. 121**, Relating to specifications of vehicles purchased or leased by the state.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend S.B. 121 SECTION 1(a) by striking "170" and inserting "280".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 121 ON THIRD READING**

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 126 ON SECOND READING**

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 126 be taken up for consideration at this time:

**S.B. 126**, Relating to the regulation of sight distances along county roads in certain counties.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend S.B. 126 as follows:

On line 28 strike "~~1[1.18]~~ million" and substitute "500,000", ~~[1.18 million]~~, and

On line 34 strike "1 MILLION" and substitute "500,000".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### SENATE BILL 126 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### COMMITTEE SUBSTITUTE SENATE BILL 124 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 124 be taken up for consideration at this time:

**C.S.S.B. 124**, Relating to the authority of a municipality located in more than one county to create an industrial development corporation and to levy a sales and use tax.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Harris of Tarrant offered the following amendment to the bill:

Amend C.S.S.B. 124 as follows:

(1) In the heading to SECTION 2, delete "Subsection (f)" and substitute "Subsections (c) and (f)" and delete "is" and substitute "are".

(2) In SECTION 2, between the heading and Subsection (f), insert the following:

(c) The board of directors of a corporation under this section consists of seven directors who are appointed by the governing body of the eligible city for two-year terms of office. A director may be removed by the governing body of the eligible city at any time without cause. Each director must be a resident of the eligible city. ~~Three [At least four directors must be persons who are members of the governing body of the eligible city, and the remaining three]~~ directors shall be persons who are not employees, officers, or members of the governing body of the eligible city. A majority of the entire membership of the board is a quorum. The board shall conduct all meetings within the boundaries of the eligible city. The board shall appoint a president, a secretary, and other officers of the

corporation that the governing body of the eligible city considers necessary. The corporation's registered agent must be an individual resident of the state and the corporation's registered office must be within the boundaries of the eligible city.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 124 ON THIRD READING**

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 124 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 263 REREFERRED**

On motion of Senator Ellis and by unanimous consent, S.B. 263 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Criminal Justice.

**REPORT OF COMMITTEE ON NOMINATIONS**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS: Peter R. Coneway, Harris County; Lowell H. Lebermann, Travis County; Martha E. Smiley, Travis County.

To be a Member of the STATE BANKING BOARD: Jane H. Macon, Bexar County.

To be a Member of the STATE SECURITIES BOARD: Thomas Deon Warner, Harris County.

To be Members of the FINANCE COMMISSION OF TEXAS: James T. Chambers, Erath County; Georgina S. Gonzalez, Harris County; Katherine B. Reynolds, Travis County; Ruby J. Wimberley, Orange County.

To be Members of the TEXAS PUBLIC FINANCE AUTHORITY: Robert B. Davis, Travis County; Erlinda Cortez Dimas, Bexar County; Peter Lewis, Dallas County.

To be Members of the TEXAS TRANSPORTATION

COMMISSION: David E. Bernsen, Jefferson County; Henry Ruben Munoz III, Bexar County; Anne Shelmire Wynne, Travis County.

To be Members of the TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM: Judge Giles W. Dalby, Garza County; Commissioner James "Grady" Prestage, Fort Bend County.

To be a Member of the STATE DEPOSITORY BOARD: James H. Flinchum, Dallas County.

To be a Member of the TEXAS GROWTH FUND BOARD OF TRUSTEES: Matrice Ellis-Kirk, Dallas County.

To be Members of the TEXAS MUNICIPAL RETIREMENT SYSTEM BOARD OF TRUSTEES: Andres Vega, Jr., Cameron County; Charles E. Wilson, McLennan County.

To be Members of the STATE PENSION REVIEW BOARD: Cheryl L. Dotson, Harris County; Hugh L. Stephens, Dallas County; Gilbert F. Vasquez, Bexar County.

To be Members of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Cynthia Barnes, Fort Bend County; Vernon Dale Evans, Tarrant County; Carmen C. Garcia, Bexar County; Judy Jade Lee, Harris County; I. Lee Wilson, Rockwall County.

To be Members of the BOARD OF TAX PROFESSIONAL EXAMINERS: Ruth Glasgow Clayton, Hays County; Esther Z. Perez, Dimmit County; Ciro Trevino, Hidalgo County.

To be FIREMEN'S PENSION COMMISSIONER: Commissioner Helen L. Campbell, Travis County.

#### NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### SENATE RESOLUTION 230

Senator Ellis offered the following resolution:

WHEREAS, Our distinguished colleague Senator Judith Zaffirini is celebrating the grand occasion of her birthday on February 13, 1993, and the members of the Texas Senate are proud to have the opportunity to honor her on this special day; and

WHEREAS, Since her election to this body in 1987, the esteemed legislator has quietly and effectively addressed the issues affecting her electorate in the 21st Senatorial District; and

WHEREAS, Her sprawling district reaches from her hometown of Laredo 620 miles west to El Paso and 154 miles north to San Antonio; and

WHEREAS, Her voting record and attendance are unmatched in the Senate; she is the only senator with a perfect record in both areas during her three regular and 11 special sessions; and

WHEREAS, Recently appointed chair of the Health and Human

Services Committee, Senator Zaffirini provides the Senate with a wealth of knowledge and experience, having diligently worked to alleviate the problems of senior citizens, the mentally ill, and the mentally retarded; and

WHEREAS, A communications specialist and experienced educator, Senator Zaffirini taught for 13 years in both public and private institutions at the elementary, junior high, junior college, and university levels; and

WHEREAS, Judith Zaffirini shares her considerable background and knowledge with others as a member of the Education Committee and Finance Committee; and

WHEREAS, The senior senator from the border and Bexar and El Paso counties holds the distinction of being the first Hispanic woman senator in Texas; and

WHEREAS, Recognized for her exceptional public service and legislative and professional work, Senator Zaffirini is the recipient of over 100 awards and honors including the 1988 and 1990 George Washington Medals of Excellence for Individual Achievement from the Freedom Foundation at Valley Forge and the internationally regarded "Jose Maria Morelos y Pavon Medal of Merit" for her leadership in strengthening relations and promoting trade with Mexico; and

WHEREAS, A devoted wife and mother, Senator Zaffirini has been supported by the love and companionship of her husband, Carlos, and their 10-year-old son, Carlos, Jr.; and

WHEREAS, The citizens of Texas are indeed fortunate to have the benefit of Senator Zaffirini's unfailing efforts on their behalf; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend happy birthday wishes to Senator Judith Zaffirini for a most enjoyable celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of the admiration and high regard of the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ellis, the resolution was adopted by a viva voce vote.

#### CONGRATULATORY RESOLUTIONS

**S.C.R. 26** - By Turner: Paying tribute to Sam Houston on the bicentennial of his birth on March 2, 1793.

**S.R. 225** - By Lucio: Recognizing the members of the Fasci family on the occasion of their family reunion.

**S.R. 226** - By Lucio: Congratulating Colonel and Mrs. Ray Hankins of Vincennes, Indiana, on the occasion of their 50th wedding anniversary.

**S.R. 227** - By Lucio: Congratulating Mr. and Mrs. Lou J. Hiller of Brownsville on the occasion of their 50th wedding anniversary.



**S.R. 228** - By Barrientos: Congratulating Lieutenant David Charles Sandlin of Austin on the occasion of his birthday on February 6, 1993.

**S.R. 229** - By Barrientos: Recognizing Lieutenant Charles "Chuck" Terry Smith on the occasion of his 38th birthday.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 2:51 p.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORT OF STANDING COMMITTEE**

The following committee report was received by the Secretary of the Senate:

February 15, 1993

**STATE AFFAIRS — S.B. 242**

**SENT TO GOVERNOR**  
(February 12, 1993)

**S.C.R. 20**

#### **SIXTEENTH DAY**

(Tuesday, February 16, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Jim Williams, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

O Lord our God, You are always creating, sustaining, and renewing us. We give You thanks for the opportunities to serve and the will to do the right. Guide this body in its deliberations today and in days to come. We pray in Your holy name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the